

STATE OF WASHINGTON



OFFICE OF  
INSURANCE COMMISSIONER

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In the Matter of	) No. D 02 - 135
	)
Michael O Brien	) Stipulation and Order
Enterprises, Inc.; dba:	) Levying a Fine
Toyota of Kirkland Car &	)
Truck Center	)
Licensee.	)

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**STIPULATION BY AGENT**

Michael O Brien Enterprises, Inc., ("licensee") hereby stipulates to the payment of a fine in the total amount of \$500.00 based on the following facts which are hereby acknowledged. Licensee further stipulates and agrees that it will comply with Washington insurance laws and regulations in the future.

1. Licensee failed to deposit premiums and return premiums in the premium account. It also failed to refund over \$4,805.00 of return premiums to customers due to adjustments, overcharges and cancellations. Each of these acts violated RCW 48.17.480, reporting and accounting of premium, and RCW 48.17.600, separation of premium funds.

2. Licensee allowed individuals, who were employees, to offer credit insurance to customers without being properly affiliated to the licensee's corporation agent's license. Licensee also allowed an employee to perform the duties of insurance manager without being properly licensed. These are violations of RCW 48.17.060, license required, and WAC 284-17-420, appointment, affiliation and renewal procedures.

The licensee has engaged in practices that are not in accord with the standards set out in the insurance code of Washington. Accordingly, the licensee enters this Stipulation to the following Order voluntarily and with the understanding that such fine is in lieu of any suspension or revocation of the licensee's license for such conduct. The facts described above, and the fact of this stipulation, may be considered by the Commissioner in any future administrative actions regarding licensee.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

Michael O Brien Enterprises, Inc.

By: \_\_\_\_\_  
Don Malstrom, General Manager

ORDER

Pursuant to RCW 48.17.560 and the foregoing Stipulation, the Commissioner hereby imposes a fine in the amount of \$500.00 upon Michael O Brien Enterprises, Inc.

The fine shall be paid in full within 30 days from the date of this Order. Upon failure to pay the fine, the Commissioner will revoke the license of the licensee and the fine will be recoverable in a civil action brought on behalf of the Commissioner by the Attorney General.

ENTERED AT LACEY, WASHINGTON, this 26<sup>th</sup> day of August, 2002.

MIKE KREIDLER  
Insurance Commissioner

By

SCOTT JARVIS  
Deputy Commissioner

Investigator: Cheryl Penn